



09-05-02 #3-\$4P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No.: EL946653255US

Date of Deposit: September 4, 2002

Application No.: 10/075,083

Filing Date: February 12, 2002

Applicant: Brinkley, et al.

Group Art Unit: Unknown

Examiner: Unknown

Title: Methods And Apparatus For Wireless Upload And
Download Of Aircraft Data

Attorney Docket: 7784-000361

Box Missing Parts
Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

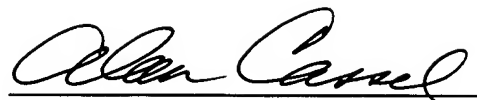
EXPRESS MAIL TRANSMITTAL

The following papers are being deposited with the United States Postal Service Express Mail Post Office To Addressee and addressed for receipt by the United States Patent and Trademark Office:

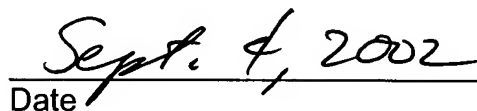
1. Petition Under 37 C.F.R. §1.47(a)
2. Declaration in Support of Petition
3. Copies of Correspondence (some redacted);
 - a. Letter of March 18, 2002
 - b. Letter of April 2, 2002
 - c. Letter of March 29, 2002
 - d. Letter of April 12, 2002
 - e. Facsimile letter of April 29, 2002
 - f. Letter of June 25, 2002 and certified return receipt post card
 - g. Letter of July 29, 2002
 - h. Facsimile letter of August 12, 2002

4. Notice of Missing Parts
5. Petition for Extension of Time (4 mo)
6. Fee Transmittal
7. Postcard
9. Check

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600



Signature
Reg. No. 35,842



Date

EL 946653255US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1700.00

Complete If Known

Application Number 10/075,083

Filing Date February 12, 2002

First Named Inventor Brinkley et al.

Examiner Name

Group / Art Unit Unknown

Attorney Docket No. 7784-000361

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Harness, Dickey & Pierce, PLC

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0

2. EXTRA CLAIM FEES

Total Claims		** =	0	X		=	0
Independent Claims		** =	0	X		=	0
Multiple Dependent		X		=		=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	1440
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

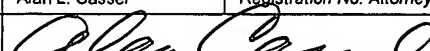
SUBTOTAL (3)

(\$ 1700

Express Mail No. EL946653255US

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Alan L. Cassel	Registration No. Attorney/Agent)	35,842	Telephone	314-726-7514
Signature				Date	September 4, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EL 946653255US



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/075,083	02/12/2002	Roger R. Brinkley	7784-000361

CONFIRMATION NO. 7553

FORMALITIES LETTER



OC000000007619014

Alan L. Cassel
Harness, Dickey & Pierce, P.L.C.
Suite 400
5445 Corporate Drive
Troy, MI 48098-2683



Date Mailed: 03/12/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
David R. Lee
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/09/2002 NMOHAMM1 00000058 10075083

01 FC:105

130.00 DP



EL 94 6653 253 US

HARNESSE, DICKEY & PIERCE, P.L.C.

ATTORNEYS AND COUNSELORS

7700 BONHOMME, SUITE 400

ST. LOUIS, MISSOURI 63105

TELEPHONE (314) 726-7500

FAX (314) 726-7501

www.hdp.com

TROY, MICHIGAN

RESTON, VIRGINIA

March 18, 2002

Mr. David Lee
15409 SE 128th Street
Renton, WA 98059

Re:

U.S. patent application for:

"Methods and Apparatus for Wireless Upload and Download of Aircraft Data"

Our reference no. 7784-000361

Dear Mr. Lee:

I have been informed that you were retaining the sources of an attorney in the matter of your signing the formal papers for the Boeing patent applications entitled

"Methods and Apparatus for Wireless Upload and Download of Aircraft Data." I do not have your attorney's name, phone number, or an address at which to contact him or her.

Please have your attorney contact me. My direct telephone line is (314) 726-7514. The best time to call is any weekday between 8:00 a.m. and 5:00 p.m. Central time, although I will be away from the office between March 25 and March 29, 2002. During my absence, your attorney may leave a voice mail message for me or try to reach Brian Wheelock at (314) 726-7505.

Thank you for your cooperation.

Sincerely,

Alan L. Cassel

ALC/lds

HARNESS, DICKEY & PIERCE, P.L.C.
ATTORNEYS AND COUNSELORS
7700 BONHOMME, SUITE 400
ST. LOUIS, MISSOURI 63105
—
TELEPHONE (314) 726-7500
FAX (314) 726-7501
www.hdp.com

TROY, MICHIGAN RESTON, VIRGINIA

April 2, 2002

VIA CERTIFIED MAIL – Z 205 400 563
RETURN RECEIPT REQUESTED

Mr. David Lee
15409 SE 128th Street
Renton, WA 98059

Re:

U.S. patent application for:
"Methods and Apparatus for Wireless Upload and Download of
Aircraft Data"
Our reference no. 7784-000361

Dear Mr. Lee:

I have been informed that you were retaining the services of an attorney in the matter of your signing the formal papers for the Boeing patent applications named above. These signatures must now be filed in the Patent and Trademark Office. However, I do not have your attorney's name or any information that would permit me to contact him or her.

Please send me the name and contact information for your attorney, or please have your attorney contact me. I can be reached directly at (314) 726-7514 weekdays between 8:00 a.m. and 5:00 p.m. Central time. Alternately, you or your attorney can send me a facsimile letter with this information directed to my attention at (314) 726-7501, or you can contact me via email at acassel@hdp.com. I can also be reached by regular mail to my attention at the address at the top of the letterhead. If you are not, in fact, represented by an attorney in this matter, please contact me directly.

Thank you for your cooperation.

Sincerely,



Alan L. Cassel

ALC/ljs

SEED**Intellectual Property Law Group PLLC**

701 Fifth Avenue, Suite 6300
Seattle WA 98104-7092 USA
Facsimile: (206) 682-6031
Telephone: (206) 622-4900
www.seedlaw.com

March 29, 2002

Frank Abramonte
franka@seedlaw.com

Mr. Alan L. Cassel
Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, MO 63105

Re: Aerolan L.L.C.
Inventorship of Inventions Entitled

Methods and Apparatus for Wireless Upload and Download of Aircraft Data
Our Reference: 590057.001

Dear Mr. Cassel:


We have been retained by Aerolan L.L.C., of which Mr. David Lee is a principal, regarding your matters

7784-000361, entitled "Methods and Apparatus for Wireless Upload and Download of Aircraft Data."

We are currently evaluating inventorship issues regarding the above matters and will contact you when we have completed our evaluation.

Very truly yours,

SEED Intellectual Property Law Group PLLC


Frank Abramonte

EL 94665325545
HARNES, DICKEY & PIERCE, P.L.C.

ATTORNEYS AND COUNSELORS

7700 BONHOMME, SUITE 400
ST. LOUIS, MISSOURI 63105

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TROY, MICHIGAN

RESTON, VIRGINIA

April 12, 2002

Frank Abramonte, Esq.
SEED Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 6300
Seattle, WA 98104-7092

Re: U.S. patent applications for:

**"Methods and Apparatus for Wireless Upload and Download of
Aircraft Data"**

Our reference numbers.

7784-000361, respectively;

Your reference number 590057.001

Dear Mr. Abramonte:

Thank you for contacting me regarding the above-identified patent applications.

Your introductory letter crossed in the mail with a certified letter sent to Mr. David Lee on April 2, 2002, a copy of which is enclosed. Please tell Mr. Lee that I have already received your introductory letter.

Please contact me as soon as possible after you have completed your evaluation of the issues regarding these patent applications.

Notices to File Missing Parts have already been received in both applications. The Notice for "Methods and Apparatus for Wireless Upload and Download of Aircraft Data" requires the filing of a Declaration executed by Mr. Lee within two months of March 12, 2002.

As you know, the two month periods can be extended, but only for a limited period of time before the applications become abandoned, and government fees increase sharply as longer extension periods are requested.

Frank Abramonte, Esq.
April 12, 2002
Page 2

I have enclosed Declaration and Power of Attorney for each application for Mr. Lee to execute and return to us. The signatures of the other inventors have already been obtained and are not required.

In the unlikely event that you disagree, please at least have your client execute and return the Declarations and Powers of Attorney (or let us know why he is refusing to do so) so that Boeing's rights in these matters are not prejudiced.

Sincerely,



Alan L. Cassel

ALC/lfs
Enclosures

SEED

Intellectual Property Law Group PLLC

701 Fifth Avenue, Suite 6300
Seattle WA 98104-7092 USA
Facsimile: (206) 682-6031
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www.seedlaw.com

April 29, 2002

Frank Abramonte
franka@seedlaw.com

Facsimile Transmission2 pages including this page

TO: Mr. Alan L. Cassel
Fax No.: (314) 726-7501
Phone No.: (314) 726-7500

RE: Aerolan L.L.C.
Ownership and Inventorship of Inventions Entitled

Methods and Apparatus for Wireless Upload and Download of Aircraft Data

Your Reference Nos.: 7784-000361

Our Reference No.: 590057.001

☐ Urgent ☒ For Review ☐ Please Confirm Receipt ☐ Please Reply ASAP

Comments:

If you do not receive all pages, please call Laura Jensen at (206) 622-4900 or fax our office.

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SEED

Intellectual Property Law Group PLLC

701 Fifth Avenue, Suite 6300
Seattle WA 98104-7092 USA
Facsimile: (206) 682-6031
Telephone: (206) 622-4800
www.seedlaw.com

April 29, 2002

Frank Abramonte
franka@seedlaw.com

By Facsimile (314) 726-7501

Mr. Alan L. Cassel
Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, MO 63105

Re: Aerolan L.L.C.

Methods and Apparatus for Wireless Upload and Download of Aircraft Data
Your Reference Nos.: 7784-000361
Our Reference No.: 590057.001

Dear Mr. Cassel:

Thank you for your patience while we evaluated the inventorship issues regarding the above inventions.

Based on our review of the pending patent applications and our discussions with David Lee, we believe that the inventorship as stated in the declarations is incorrect. The declarations appear to mistakenly include three individuals (Roger Brinkley, Timothy Mitchell and Jerry Price) who did not contribute to the claimed subject matter, and appear to mistakenly omit one individual (William Holst) whom we believe to be a joint inventor with Mr. Lee. Thus, Mr. Lee cannot execute the declarations you forwarded in accordance with 18 USC § 1001; 35 USC §§ 25,115; and 37 CFR §§ 1.63, 1.64 and 1.68. If you believe Mr. Brinkley, Mr. Mitchell and/or Mr. Price are inventors, please identify the claimed subject matter which they contributed.

We would be happy to discuss any additional information you may have regarding inventorship or ownership of the above inventions at your convenience.

Very truly yours,

SEED Intellectual Property Law Group PLLC



Frank Abramonte

cc: David R. Lee

(FXA:hj) 279456_1

EL 94668 325545
HARNES, DICKEY & PIERCE, P.L.C.

ATTORNEYS AND COUNSELORS

7700 BONHOMME, SUITE 400
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FAX (314) 726-7501

www.hdp.com

Rudolph A. Telscher, Jr.
(314) 726-7515
rtelscher@hdp.com

TROY, MICHIGAN

RESTON, VIRGINIA

June 25, 2002

Mr. Frank Abramonte
SEED Intellectual Property Law Group, PLLC
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7002

Dear Mr. Abramonte:

As you are aware, Boeing recently filed two U.S. patent applications ("Boeing Applications"). Mr. Lee was given the opportunity to review these applications with the other Boeing inventors, and did so without signing the accompanying formal papers. We now enclose them for your review and for your client's further review in the hope that it will put to rest the inventorship issues that you have raised. The applications are confidential and should be treated accordingly. We are confident that the claims are directed to subject matter jointly invented by Mr. Lee and the other Boeing inventors.

There are essentially two issues: 1) whether Mr. Lee should/will sign as a joint inventor on the Boeing Applications;

Regarding the first issue, because Boeing is confident that Mr. Lee is a joint inventor on the applications, it has correctly identified him in the applications as such. By this letter, we are requesting that Mr. Lee execute the attached declaration as a joint inventor, which is consistent with our repeated requests to date. If he refuses to do so, Boeing will execute its rights under the Patent statute, 35 U.S.C 116, and move

Mr. Frank Abramonte
Page 2 of 4
June 4, 2002

forward without Mr. Lee as an inventor refusing to sign. You are reminded that under the "Assigned Personnel Agreement," Paragraph (g), Mr. Lee is required to execute papers necessary to perfect Boeing's patent rights.

The enclosed Boeing Applications should alleviate your concerns that Boeing is trying to cover subject matter not owned by Boeing that was invented by Mr. Lee and Mr. Holst.

We have received no documentation to indicate that your client conceived and reduced to practice prior to August 2000 an invention relating to either uploading and downloading data transmitted via a radio link between an aircraft and another device or the automatic configuration performed on the aircraft to make data transfer possible or for that matter the mechanical switch. If you believe otherwise please be so kind as to provide such information.

Page 3 of 4 redacted in its entirety.

See MPEP 409.03(d):

"Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal."

Mr. Frank Abramonte
Page 4 of 4
June 4, 2002

The submission of Mr. Lee's declaration in both of Boeing's U.S. Patent Applications are already overdue and in an extension period, so damages are accumulating and these matters should be considered promptly.

Very truly yours,



Rudolph A. Telscher, Jr.

RAT:sms

Bcc: Roger Brinkley
Henry G. Kohlmann

EL 94665328545



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1. Article Addressed to:
Mr. Frank Abramonte
SEED Intellectual Property
Law Group, PLLC
701 Fifth Ave, Suite 6300
Seattle, Washington
98104-7002

2. Article Number (Copy from service label)

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C. Signature *[Signature]* JUL 15 2002

☒ Agent ☐ Addressee

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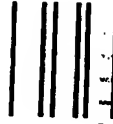
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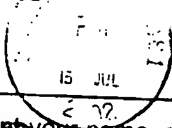
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7700 Bonhomme Avenue
Suite 400
St. Louis, Missouri 63105

ALC/IDS/7784-000338POA4361POA

87





EL 946653255US

HARRISS, DICKEY & PIERCE, P.L.C.
ATTORNEYS AND COUNSELORS
7700 BONHOMME, SUITE 400
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TELEPHONE (314) 726-7500
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Rudolph A. Telscher, Jr.
(314) 726-7515
rtelscher@hdp.com

TROY, MICHIGAN RESTON, VIRGINIA

July 29, 2002

VIA FACSIMILE

Frank Abramonte, Esq.
SEED Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 6300
Seattle, WA 98104-7092

Re: Boeing/AeroLAN Matter

Dear Mr. Abramonte:

To follow up on our July 26, 2002 telephone discussion, attached to this facsimile letter are copies of a document entitled.

Our client wants to take action to complete the missing parts before August 12, 2002, when a three month extension period runs out. Please call us to discuss this matter

Frank Abramonte, Esq.
July 29, 2002
Page 2

insufficient time so that further damages can be avoided.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rudy".

Rudolph A. Telscher, Jr.

RAT/sms
Enclosures

SEED

Intellectual Property Law Group PLLC

701 Fifth Avenue, Suite 6300
Seattle WA 98104-7092 USA
Facsimile: (206) 682-6031
Telephone: (206) 622-4900
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Frank Abramonte
franka@seedlaw.com

August 12, 2002

Facsimile Transmission2 pages including this page

TO: Mr. Rudolph A. Telscher, Jr.
Fax No.: (314) 726-7501
Phone No.: (314) 726-7500

RE: Aerolan L.L.C.

Inventorship of Inventions Entitled

Methods and Apparatus for Wireless Upload and Download of Aircraft Data

Your Reference Nos.: 7784-000361

Our Reference No.: 590057.001

☐ Urgent ☒ For Review ☐ Please Confirm Receipt ☐ Please Reply ASAP

Comments:

If you do not receive all pages, please call Laura Jensen at (206) 622-4900 or fax our office.

Transmission Information: Date _____ Time _____ By _____

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SEED

Intellectual Property Law Group PLLC

701 Fifth Avenue, Suite 6300
Seattle WA 98104-7092 USA
Facsimile: (206) 682-6031
Telephone: (206) 622-4900
www.seedlaw.com

Frank Abramonte
franka@seedlaw.com

August 12, 2002

By Facsimile (314) 726-7501

Mr. Rudolph A. Telscher, Jr., Esq.
Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, MO 63105

Re: Aerolan L.L.C.

Methods and Apparatus for Wireless Upload and Download of Aircraft Data
Your Reference Nos.: 7784-000361
Our Reference No.: 590057.001

Dear Mr. Telscher:

This letter is in response to your letter of July 29, 2000, and our telephone conference of August 8, 2002.

As stated in our previous letters, we believe that the inventorship stated in the declarations forwarded by Mr. Cassel is incorrect based on our review of the pending patent applications and our discussions with David Lee and William Holst. The declarations appear to incorrectly include three individuals (Roger Brinkley, Timothy Mitchell and Jerry Price) who did not contribute to the claimed subject matter, and mistakenly omit one individual (William Holst) who is a joint inventor with Mr. Lee of the claimed subject matter.

We note that Mr. Lee is a named inventor on the applications, and thus he is entitled to an explanation of the inventorship, and is in fact *legally required* to understand and agree with such before executing the associated declarations. Thus, we again request that you please identify the claimed subject matter which you contend was conceived by Mr. Brinkley, Mr. Mitchell and/or Mr. Price, and provide an explanation for the omission of Mr. Holst

In accordance with 18 USC § 1001; 35 USC §§ 25, 115; and 37 CFR §§ 1.63, 1.54 and 1.68, Mr. Lee cannot execute the declarations you forwarded until a satisfactory explanation of inventorship is received.

Very truly yours,

SEED Intellectual Property Law Group PLLC



Frank Abramonte

cc: David R. Lee
William Holst

(FAX:lj) 308583_1